IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 262 of 2006 (S/B)

Dr. Narendra Nath Pandey,
S/o Late Ram Jag Pandey,
R/o Rishikul State Ayurvedic College,
District Haridwar. …….. Petitioner

Versus

1. State of Uttaranchal,
   through Principal Secretary,
   Medical & Health Services,
   Uttaranchal Shashan, District Dehradun.
2. Director, Ayurvedic & Unani Services,
   Uttaranchal, District Dehradun.
3. Principal/Superintendent,
   Rishikul State Ayurvedic College /Pharmacy,
   District Haridwar. …… Respondents

Mr. Sharad Sharma, Advocate for the petitioner.
Mr. Nanak Chand Gupta, Standing Counsel for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C. S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Sharad Sharma, Advocate for the petitioner.

Mr. Nanak Chand Gupta, Standing Counsel for the respondents.

2. Mr. Nanak Chand Gupta, the learned Standing Counsel for the respondents has raised a preliminary objection about the maintainability of the writ petition on the ground that the petitioner has an alternative efficacious remedy of filing a claim petition before the Public Service Tribunal.

3. Mr. Sharad Sharma, the learned counsel for the petitioner could not demonstrate as to how the reliefs claimed by the petitioner in the writ petition cannot be granted by the Public Service Tribunal.

4. In this views of the matter and in view of the Division Bench decision in the case of **Bhuvan Chandra Pandey & others Vs. State of Uttaranchal & others** reported in **2006(2) U.D. 439**, we are of the opinion that the present writ petition is not maintainable, as the petitioner has an alternative efficacious remedy of filing a claim petition before the Public Service Tribunal.

5. The writ petition, therefore, is dismissed as not maintainable with the liberty to the petitioner to file a claim petition before the Public Services Tribunal and seek condonation of the delay, if any, on the ground that the petitioner was prosecuting this writ petition under bonafide belief.

6. Consequently, CLMA No. 10482 of 2006 also stands dismissed.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C. J.)**
11.12.2006 11.12.2006

G